

REMARKS

The applicants have carefully considered the Office action dated November 5, 2008, and the references cited therein. By way of this response, claims 1, 3, 4, 6, 9, 11, 12, 14, 15, 19, 22, 24, 25, 28 and 29 have been amended. Claims 1-26 and 28-30 remain pending in this application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all pending claims are in condition for allowance.

The Rejections Under 35 U.S.C. §103

Claims 1-26 and 28-30 were rejected under 35 U.S.C. §103(a) as unpatentable over Avvari et al. (U.S. Patent No. 7,165,074) in view of Vanfladern et al. (U.S. Patent No. 6,754,612).

As amended, independent claims 1, 9, 19, and 25 recite, *inter alia*, selecting, or a device to select, at least one of a plurality of tests based on an analysis of one or more test profiles. Furthermore, independent claims 1, 9, 19, and 25 recite that the analysis of the one or more test profiles includes determining which of the tests reached a breakpoint associated with one of a plurality of program states in a least amount of time. As described in the specification of the present application, such a system can be used to minimize testing and debugging time by selecting appropriate and/or ideal test(s) to execute on an application rather than executing all of the available tests. *Haghighat et al.*, paragraph [0015]. Thus, a user (e.g., a programmer testing an application) can use the example methods, apparatus, and/or articles of manufacture recited in claims 1, 9, 19, and 25 to determine which test(s) will reach a breakpoint (e.g., a particular section of code being tested) the fastest.

As the Examiner states in the Office action, Avvari et al. do not describe generating one or more time stamps corresponding to a detection of one or more program states of the application. In fact, Avvari et al. do not describe time stamps at all. Hence, the system

described by Avvari et al. cannot determine which of a plurality of tests reached a breakpoint associated with one of a plurality of program states in the least amount of time.

Vanfladern et al. describe a system for measuring time characteristics associated with features or operations of an application. In particular, the system described by Vanfladern et al. inserts “performance markers into programs to obtain and provide benchmark timing data regarding the run-time operation of a plurality of standard operations of the application programs.” *Vanfladern et al.*, column 2, lines 48-51. Using the performance markers, a test measurement system obtains “timing information regarding how long a particular operation without the application program takes to perform” by collecting time stamps corresponding to “the beginning and end of a desired operation.” *Id.* at column 5, lines 1-21. By comparing the time associated with the beginning of an operation to the time associated with the end of the operation, Vanfladern et al. measure a duration of execution for that particular operation.

While the Examiner argues that the time stamps described by Vanfladern et al. can be combined with the coverage data described by Avvari et al., no combination of Vanfladern et al. and Avvari et al. could determine which of a plurality of tests reached a breakpoint associated with a program state in the least amount of time because neither Vanfladern et al. nor Avvari et al. describe such a determination. Accordingly, the applicants respectfully submit that all pending claims are in condition for allowance and favorable reconsideration of the present application is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed (if any) or any additional fees which may be required during the pendency of this application to Deposit Account No. 50-2455.

Respectfully submitted,

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